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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 **-oOo-**

9 UNITED STATES OF AMERICA,

10 PLAINTIFF,

11 vs.

12 NICHELLE ALSTATT,

13 DEFENDANT.

CRIMINAL INDICTMENT

2:11-CR- 125

VIOLATIONS:

29 U.S.C. § 501(c) - Embezzlement from
Union

29 U.S.C. § 439(c) - Falsification of Union
Records Required

29 U.S.C. § 439(b) - Falsification of
Annual Financial Report of Union

17 **THE GRAND JURY CHARGES THAT:**

18 **COUNT ONE**
Embezzlement From Union
19

20 From on or about April 1, 2006, to on or about September 30, 2009, in the
21 State and Federal District of Nevada,

22 **NICHELLE ALSTATT,**

23 defendant herein, did embezzle, steal and unlawfully and wilfully abstract and convert to her
24 own use, the money and other assets of a labor organization of which she was an officer and
25 employed, to wit: while **NICHELLE ALSTATT** elected and acting as Secretary-Treasurer to
26 the Professional Office Personnel Alliance ("POPA"), a labor organization engaged in an

1 industry affecting commerce, Defendant **ALSTATT** stole approximately \$51,637.37, from
2 POPA through the unauthorized use of the union's debit card and checking account. A
3 in violation of Title 29, United States Code, Section 501(c).

4 **COUNT TWO**

5 Falsification of Financial Records Required To Be Kept by Labor Union

6 1. At all times material to this Count, the Professional Office Personnel
7 Alliance, was a labor organization engaged in an industry affecting commerce, subject to the
8 Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 401, *et seq.*, and
9 required to file an annual financial report with the Secretary of Labor.

10 2. From on or about April 1, 2006, to on or about September 30, 2009, in
11 the State and Federal District of Nevada,

12 **NICHELLE ALSTATT,**

13 defendant herein, did make a false entry in and did conceal, withhold and destroy records
14 and statements required to be kept by Title 29, United States Code, Section 436 that is,
15 financial records on matters required to be reported in the annual financial report of POPA,
16 which was required to be filed with the Secretary of Labor for such labor organization's fiscal
17 years ending on December 31, 2005, December 31, 2006, and December 31, 2007, to wit:
18 bank statements, checks, and other transaction histories.

19 3. At all times, Defendant **ALSTATT** acted willfully, that is, with knowledge
20 that her conduct was unlawful and with reckless disregard of whether her conduct was lawful.

21 All in violation of Title 29, United States Code, Section 439(c).

22 **COUNT THREE**

23 Falsification of Annual Financial Report

24 1. At all times material to this Count, the Professional Office Personnel
25 Alliance, was a labor organization engaged in an industry affecting commerce and subject
26 to the Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 401, *et seq.*

1 2. From on or about April 1, 2006, to on or about September 30, 2009, in
2 the State and Federal District of Nevada,

3 **NICHELLE ALSTATT,**
4 defendant herein, did make a false statement and entry of a material fact, knowing it to be
5 false, and failed to disclose a material fact, in a report and document required to be filed by
6 Title 29, United States Code, Section 436, that is, Form LM-3 reports for POPA's 2006 and
7 2007 fiscal years, in which Defendant **ALSTATT** misrepresented the union's cash deposits
8 and omitted the payment of funds directly to her and payments made on her behalf.

9 3. At all times, Defendant **ALSTATT** acted willfully, that is, with knowledge
10 that her conduct was unlawful and with reckless disregard of whether her conduct was lawful.

11 All in violation of Title 29, United States Code, Section 439(b).

12 **DATED:** this 30 day of March, 2011.

13 **A TRUE BILL:**

14 /S/
15 FOREPERSON OF THE GRAND JURY

16 DANIEL G. BOGDEN
17 United States Attorney

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19 KATHRYN C. NEWMAN
20 Assistant United States Attorney